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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.

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FAX TRANSMISSION May 31, 2006

TO:

Examiner:

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

FROM: Douglas P. Mueller

OUR REF: 14434.0083USWO

TELEPHONE: (612) 455.3800

Total pages, including cover letter:

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Request for Corrected Filing Receipt, Marked-up copy of the Filing Receipt, English translation of

FORM PCT/IB/338

Applicant: Serial No.: App. Filed:

YOSHII 10/541,174 June 30, 2005

Group Art No.: 1722

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PAGE 1/16 * RCVD AT 5/31/2008 12:46:19 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/13 * DNIS:2738300 * CSID:612-455-3801 * DURATION (mm-ss):10-38

Ralynn Wilhelm

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MAY 3 1 2006

S/N 10/541,174

6124553801

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

YOSHII

Serial No.:

10/541,174

Group Art Unit:

1722

Filed:

June 30, 2005

Docket No.:

14434.0083USWO

Title:

FULLERENE CRYSTAL AND METHOD FOR PRODUCING SAME

CERTIFICATE UNDER 37 CFR 1.6(d):

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Name: Ralynn Wilhelm

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents P.O.Box 1450 Alexandria, VA 22313-1450

Dear Commissioner:

Enclosed is a photocopy of the filing receipt from the United States Patent and

Trademark Office in the above-identified application showing requested corrections.

The Assignment for Published Patent Application information is missing.

Please insert NIPPON SHEET GLASS COMPANY, LIMITED, TOKYO, JAPAN.

The Foreign Application information is incorrect.

Please replace [20003=004126 10/01/2003] with 2003-004126 01/10/2003.

Please replace the date of [10/01/2003] with 01/10/2003.

Correction of the records of the United States Patent and Trademark Office and issuance of a corrected filing receipt are respectfully solicited.

Respectfully submitted,

52835
PATENT TRADEMARK OFFICE

Hamre, Schumann, Mueller & Larson, P.C.

225 South Sixth Street, Suite 2650

Minneapolis, MN 55402

(612)-455-3800

Dated: May 31, 2006

Douglas P. Mueller

Reg. No. 30,300

DPM/rkw

Page 1 of 3



United States Patent and Trademark Office

United States Department of Commerce United States Patent and Trademark Office Address Confidence For Patents FO. Ber 1450 Akonston, Vajek 22313-1439

APPL NO.	FILING OR \$71 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/541,174	06/30/2005	1722	1200	14434.83USWO	7	24	1

CONFIRMATION NO. 4537

52835 HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902-0902 MINNEAPOLIS, MN 55402

Date Mailed: 01/11/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filling Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filling Receipt with the changes noted thereon, if you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filling Receipt with your reply to the Notice, When the USPTO processes the reply to the Notice, the USPTO will generate another Filling Receipt Incorporating the requested corrections (if appropriate).

Applicant(s)

Tetsuro Yoshii, Tokyo, JAPAN;

ASSIGNMENT FOR PUBLISHED PATENT APPLICATION

NIPPON SHEET GLASS COMPANY, UIMITED, TOLYO, TAPAN

Power of Attorney: The patent practitioners associated with Customer Number 12833.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP04/00087.01/08/2004

Foreign Applications

JAPAN 2003-004126 10/01/2003 | 2003 - 00146 | 01/10/2003 |
JAPAN 2003-004127 (10/01/2003] | 01/10/2003 |
JAPAN 2003-004128 (10/01/2003] | 01/10/2003 |

Projected Publication Date: 04/20/2006

Non-Publication Request: No

Early Publication Request: No

Title

Fullerene crystal and method for producing same

Page 2 of 3

Preliminary Class

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PATENT COOPERATION TREATY

PCT/JP2004/000087

From the INTERNATIONAL BUREAU

6124553801

NOTIFICATION OF TRANSMITTAL OF COPIES OF TRANSLATION OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OR CHAPTER II OF THE PATENT COOPERATION TREATY) (PCT Rules 44bis.3(c) and 72.2)

KAMADA, Koichi 7th FI., TOMOE MARION BLDG. 4-3-1, Nishitenma, Kita-ku, Osaka-shi Osaka 5300047 JAPON



Date of mailing (day/month/year) 15 September 2005 (15.09.2005)

Applicant's or agent's file reference FNS03007WO

International application No. PCT/JP2004/000087 IMPORTANT NOTIFICATION

International filing date (day/month/year) 08 January 2004 (08.01.2004)

Applicant

1

NIPPON SHEET GLASS COMPANY, LIMITED et al

I.	Transmittal	of the	translation	to	the applicant.
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The International Burean transmits herewith a copy of the English translation of the international preliminary report on

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that

SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombenes 1211 Geneva 20, Switzerland

Authorized officer

Masashi Honda

6124553801

PATENT COOPERATION TREATY

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference FNS03007WO	FOR FURTHER ACTION	See item 4 below
	International filing date (day/month/year) 08 January 2004 (08.01.2004)	Priority date (day/month/year) 10 January 2003 (10.01.2003)]
International Patent Classification (IP 7 C30B 29/66, C01B 31/02 Applicant		1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
NIPPON SHEET GLASS COMPAN	NY, LIMITED	

1.	This international preliminer					
	 This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis. l(a). 					
2.	This REPORT consists of a to	otal of 10 sheets, including this cover sheet.				
	In the attached sheets, any ref to the international preliminar	erence to the written opinion of the International Searching Authority should be read as a reference y report on patentability (Chapter I) instead.				
3.	This report contains indication	ns relating to the following items:				
l	Box No. I	Basis of the report				
	Box No. II	Priority				
	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability				
	Box No. IV	Lack of unity of invention				
	Box No. V	Reasoned statement under Article 35(2) with regard to novelry, inventive step or industrial applicability; citations and explanations supporting such statement				
	Box No. VI	Certain documents cited				
	Box No. VII	Certain defects in the international application				
	Box No. VIII	Certain observations on the international application				
4.	The International Bureau will conot, except where the applicant date (Rule 44bis.2).	ommunicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but makes an express request under Article 23(2), before the expiration of 30 months from the priority				

	Date of issuance of this report 02 September 2005 (02.09.2005)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35 Form PCT/IB/373 (January 2004)	Authorized officer Masashi Honda Telephone No. +41 22 338 70 10

PATENT COOPERATION TREATY

INTERNATIONAL SEARCHING AUTHO	RITY			C _A	
To:				PCT Starte	%
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			,	(PCT Rule 43bis.1)	
Amiljonation and the Co		Date of a	mailing uth/year)	01-06-2004	
		FOR FU	RTHER		
	International filing date (e	l day/month/s	vear)	Priority date (day/month/s)	
	08-01-2004				
international Patent Classification (IPC) or both	national classification and	IPC		02 2003	
C30B 29/66, C01B 31/0)2				
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NIPPON SHEET GLASS CO	MPANY, LIMIT	ED			
I. This opinion contains indications—less					
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Dusis of the o	pinion				
	ment of opinion with regar	d to movelt	y, inventive	stap and industrial applicability	
Lack of unity	of invention				
	ement under Rule 43bis.1(a)(i) with re	gard to not	elty, inventive step or industrial	
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ACTION					
In a certain for international prelimin International Preliminary Examining Aut than this one to be the IPEA and the cho this International Searching Authority will	ary examination is made, thority ("IPBA") except the esen IPEA has notified the	this opini t this does Internation	lon will be not apply to al Bureau	e considered to be a written opinion of where the applicant chooses an Anthority of under Rule 66 thirds that	he
written reply together when above, cor	isidered to be a written op	inion of th	e IPEA. th	e synlicont in the table	
INTERNATIONAL SEARCHING AUTHORITY To: WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (day/month/year) 01-06-2004 Applicant's or agent's file reference FINSO 3 0 0 7 WO International application No. PCT/JP 2004/000087 International filing date (day/month/year) 08-01-2004 Priority date (day/month/year) 10-01-2003 International Plaint Classification (IPC) or both national classification and IPC C3 0 B 29/66, C01B 31/02 Applicant NIPPON SHEET GLASS COMPANY, LIMITED 1. This opinion contains indications relating to the following items: Box No. I Basis of the opinion Box No. I Priority Box No. II Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. V Reasoned shatement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability Box No. V Reasoned shatement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability Box No. V Certain documents cited Box No. VI Certain defects in the international application					
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	WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY	International application No.
Box No	·	
1. 7	ith regard to the language, this opinion has been established on the basis of:	
	the international application in the language in which it was filed	
L	the translation of the international application into translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b))	, which is the language of a
2. W	th regard to any nucleotide and/or amino acid sequence disclosed in the internation, this opinion has been established on the basis of:	nal application and necessary to the claimed
a	type of material	
	a sequence listing	
	table(s) related to the sequence listing	
b.	format of material	
	on paper	
	in electronic form	
c.	time of filing/furnishing	
	contained in the international application as filed	
	filed together with the international application in electronic form	
	furnished subsequently to this Authority for the purposes of search	
3.	In addition, in the case that more than one version or copy of a sequence listing and/ furnished, the required statements that the information in the subsequent or additional c filed or does not go beyond the application as filed, as appropriate, were furnished.	for table(s) relating thereto has been filed or oples is identical to that in the application as
4. Add	tional comments:	

	•
WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY	International application No.
Box No. IV Lack of unity of invention	PCT/JP 2004/00087
(Commit CirisAV200) to pay additional fees the applic	cant has, within the applicable time limit:
paid additional fees under protest and, where applicable, the protest fee	
paid additional fees under protest but the applicable protest fee was not paid	
not paid additional fees	:
2. This Authority found that the requirement of unity of invention is not complied additional fees.	with and chose not to invite the applicant to pa
3. This Authority considers that the requirement of unity of invention in accordance with Recomplied with	
complied with	ules 13.1, 13.2 and 13.3 is:
not complied with for the following reasons:	
Refer to the Supplemental Box.	
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Community	
Consequently, this opinion has been established in respect of the following parts of the internat	tional application:
the parts relating to claims Nos. 1-19, 22-24	

Box No. V

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

1.	Statement	ent under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; languious supporting such statement	
	Novelty (N)	Claims 10-19	
		Clairos 1-9, 22-24	YE
	Inventive step (IS)	Claims 11-19	NO.
		Claims 1-10, 22-24	YE
	Industrial applicability (IA)	Claims 1-19, 22-24	NO.
		Claims	YE NO

Document 1: JP 2003-001600 A (President of the University of Tokyo), 08 January 2003

Document 2: W. KRATSCHMER et al., "Solid C_{60} : a new form of carbon," NATURE, 1990, Vol. 347, pages 354 to 357

Document 3: Joel M. HAWKINS et al., "A crystallographic analysis of C_{60} (buckminsterfullerene)," J. CHEM. SOC. CHEM. COMMUN., 01 June 1991, No.

11, page 775

Document 4: K. MIYAZAWA et al., "C60 nanowhiskers formed by the liquid-liquid interfacial precipitation method," J. MATER. RES.,

2002, Vol. 17, No. 1, pages 83 to 88

Document 5: K. MIYAZAWA et al., "Formation of iodine-doped C₅₀ whiskers by the use of liquid-liquid interfacial precipitation method.,

J. MATER. RES., 2002, Vol. 17, No. 9, pages 2205 to 2208

Claims 1 to 9 and 22

The inventions that are set forth in claims 1 to 9 and 22 lack novelty in the light of document 1 cited in the international search report.

Form PCT/ISA/237 (Box No. V) (April 2005)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

Box No. V Reasoned statement under Rule 43his.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Document 1 (claim 7) discloses a method wherein a "solution, which contains a first solution in which fullerene has been dissolved, and a second solution, which has with a fullerene dissolving potential lower than that of the aforementioned first solution, are combined so as to form a liquidliquid surface between the aforementioned solution and the aforementioned second solution, and carbon fibers are precipitated out at said liquid-liquid surface," and specifically discloses a situation wherein xylene, which is a benzene derivative in which two or more of the hydrogen atoms in the benzene ring have been substituted, is used as the first solution (refer to claim 12) and a situation wherein n-butyl alcohol or the like is used as the second solution (refer to claim 14).

In addition, document 1 discloses the feature of obtaining nano-wires that contain fullerene crystals by using xylene as the first solution; therefore, the xylene in the invention that is disclosed in document 1 can be considered to be m-xylene.

Claim 10

The invention that is set forth in claim 10 does not involve an inventive step in the light of document 1 cited in the international search report.

The nano-wires comprising fullerene crystals which are produced by means of the invention that is disclosed in document 1 have a fibrous form; therefore, it would be easy for a person skilled in the art to conceive of configuring a non-woven

Form PCT/ISA/237 (Box No. V) (April 2005)

31/05/2006 11:45

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

Bex No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

fabric from said fibrous fullerene crystals.

Claims 11 to 15

The invention that is set forth in claims 11 to 15 is not disclosed in any of the documents that are cited in the international search report; therefore, the invention in question is novel and involves an inventive step.

Specifically, the feature in the inventions that are set forth in claims 11 to 15 wherein flake-like fullerene crystals are obtained by using a benzene derivative in which the ortho positions have been substituted or the like as the first solution is not disclosed in documents 1 to 5, which are considered to be the most closely related prior art documents, and even a person skilled in the art could not easily have conceived of the feature in question in the light of documents 1 to 5.

Claims 16 to 19

The invention that is set forth in claims 16 to 19 is not disclosed in any of the documents that are cited in the international search report; therefore, the invention in question is novel and involves an inventive step.

Specifically, the feature in the inventions that are set forth in claims 16 to 19 wherein particulate fullerene crystals are obtained by using a benzene derivative in which the ortho positions have been substituted or the like as the first solution is not disclosed in documents 1 to 5, which are considered to be the most closely related prior

Form PCT/ISA/237 (Box No. V) (April 2005)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

art documents, and even a person skilled in the art could not easily have conceived of the feature in question in the light of documents 1 to 5.

Claim 23

The invention that is set forth in claim 23 lacks novelty in the light of document 2 cited in the international search report.

Document 2 (fig. 1) illustrates that flakelike fullerene crystals were obtained, and said flake-like fullerene crystals are considered to have an average thickness of approximately 100 nm to 10 μ m. Therefore, the substances that are set forth in claim 23 can be considered to be the same as the substances that are disclosed in document 2.

Claim 24

The invention that is set forth in claim 24 lacks novelty in the light of document 2 or document 3 cited in the international search report.

Document 2 (fig. 1) illustrates that stellate fullerene crystals were obtained, and document 3 indicates that polyhedral fullerene crystals with the dimensions 1.5 mm X 1.5 mm X 0.6 mm were obtained. Therefore, the substances that are set forth in claim 24 can be considered to be the same as the substances that are disclosed in document 2 or the substances that are disclosed in document 3.

31/05/2006 11:45

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP 2004/00087

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box IV

The present international application includes five inventions that do not conform to the requirement of unity of invention.

Main invention:

Claims 1 to 4, 5 to 10 and 22

Second invention:

Claims 11 to 15 and 23

Third invention:

Claims 16 to 19 and 24

Fourth invention:

Claim 20

Fifth Invention

Claim 21

The feature wherein the "first solution comprises a benzene derivative in which two or more of the hydrogen atoms in the benzene ring have been substituted" is well known, as disclosed in the claims (specifically, claim 12) of document 1 (JP 2003-001600 A1); therefore, the feature in question cannot be considered to be a technical feature which defines a contribution over the prior art (herein, claims 1 to 4 of the present application lack novelty in the light of the document in question).

Consequently, claims 5, 11, 16, 20 and 21 cannot be said to have a special technical feature in common; therefore, these groups of inventions cannot be considered to be so linked as to form a single general inventive concept.

In other words, the inventions that are set forth in claims 5 to 10 involve the special technical feature of obtaining fibrous fullerene crystals by using a benzene derivative in which the meta positions

31/05/2006 11:45

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP 2004/00087

Supplemental Box

have been substituted or the like as the first solution. Meanwhile, the inventions that are set forth in claims 11 to 15 and 23 involve the special technical feature of obtaining flake-like fullerene crystals by using a benzene derivative in which the ortho positions have been substituted or the like as the first solution; the inventions that are set forth in claims 16 to 19 and 24 involve the special technical feature of obtaining particulate fullerene crystals by using a benzene derivative in which the para positions have been substituted or the like as the first solution; the invention that is set forth in claim 20 involves the special technical feature of carrying out at least one process selected from among a group of processes including a pressurization process, a thermal process and a laser irradiation process; and the invention that is set forth in claim 21 involves the special technical feature of using fullerene which contains elements other than carbon on the interior.

HSML, PC (rw)